IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1641 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL SANDIP KANUBHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 1641 of 2002

MR YV BRAHMBHATT for Petitioner No. 1

MR DN PATEL for Respondents No. 1-2

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 04/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel appearing for the Government of India waives service of Rule on behalf of the respondent. Heard Ms. Brahmbhatt,

learned advocate for the petitioner and Mr. Patel, learned standing counsel for the respondent. During the hearing, Mr. Brahmbhatt, learned advocate for the petitioner has taken me through the petition and documents attached thereto. It is her contention that the passport authority had issued a passport in favour of the petitioner considering his application on 30th December, 1999 showing the birth date of the petitioner as 14th December, 1982. The xerox copy of the passport is annexed to the petition as Annexure C. It is the case of the petitioner that by mistake in the passport of the petitioner, the date of birth of the petitioner is shown as 14th December, 1982. The petitioner submitted that as per the birth certificate issued by the Gram Panchayat, Taluka Kalol, Dist.: Gandhinagar dated 22nd January, 2002, the birth date of the petitioner is 11th December, 1982. The petitioner has also produced school leaving certificate issued by the School Authority namely, the Principal, R.S.P.M. Multipurpose, S.V.R.S. Kadi, (N.G) dated 10th January, 2002 showing the date of birth of the petitioner as 11th December, 1982. It is the case of the petitioner that the petitioner has got admission in the school on 3rd July, 1998 by disclosing the date of birth as 11th December, 1982. It is submitted that actual date of birth as per the certificate issued by the Gram Panchayat, Taluka : Kalol, Dist.: Gandhinagar and School leaving certificate issued by the School Authority is 11th December, 1982 and therefore, the birth date of the petitioner may be seen as 11th December, 1982 in the passport instead of 14th December, 1982.

2. The petitioner has approached the respondent authority by submitting representation dated 24.1.2002, requesting the authority to correct the birth date of the petitioner mentioned in the passport. Mr. Brahmbhatt, learned advocate appearing for the petitioner has submitted that as per the Rules, unless and until the petitioner obtained necessary orders from the Competent Court, it will not be possible for authority to entertain the application/representation for correcting the date of birth and accordingly, he requested that necessary direction be given to the authority.

3. Mr. Patel, learned Standing Counsel for the respondent has submitted that as there is no power to the authority to change the birth date of the petitioner unless and until the petitioner produced some orders from the competent court.

4. In the aforesaid facts and circumstances and as

highlighted in the petition that the actual birth date as found from the birth certificate issued by Gram Panchayat Taluka : Kalol, Dist.: Gandhinagar and as found from the school leaving certificate issued by the School Authority shows that the birth date of the petitioner is 11th December, 1982 as per the birth certificate dated 22.1.2002 and school leaving certificate dated 10.1.2002. It will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date in the pass port of the petitioner. Accordingly, the respondent authority is directed to consider the request made by the petitioner for change of birth date in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change as requested by the petitioner and necessary steps be taken for correcting the birth date of the petitioner in the pass port.

5. Mr. Brahmbhatt, learned advocate for the petitioner has stated that the petitioner will promptly apply for new passport and the respondent is required to examine the application of the petitioner as expeditiously as possible. It is directed that if the petitioner will apply fresh, the application of the petitioner will decide as expeditiously as possible.

6. With these observations, this petition is disposed of. It is further directed that respondent authority will be at liberty to pass appropriate order with regard to the costs of proceedings of new pass port and the petitioner is required to pay all the costs. Direct service permitted.

(D.K.Trivedi,J.)
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